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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Theodore F. Rabenko

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EXAMINER

STEVENS, ROBERTA A

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/851,722

Applicant(s)

RABENKO ET AL

Examiner

Roberta A. Shand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "the telephone" on lines 12, 13 and 14. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rakib (U.S. 6889385 B1).

5. Regarding claim 1, Rakib teaches (fig. 2) a communications system, comprising: a plurality of media terminal adapters (fig. 8, 372, 980, 986, 988, 990, 992, 994, 996, 998, 1000); a telephone line (694, 696, 698, 700, col. 19, lines 56-57); and a gateway (214 and fig. which depicts the gateway alone) configured to exchange voice and data packets between a network and each of the media terminal adapters over the telephone line, wherein the gateway receives a packet payload and determines if the packet is voice or data, if the packet is voice the gateway further determines if the voice is destined for the telephone or the network, if the voice packet is

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destined for the telephone, the gateway depacketizes the packet and transmits it to the telephone, if the packet is destined for the network the gateway reformats the packet and transmits the packet to the network (col 55, lines 4 – col. 56, lines 28).

6. Regarding claims 2 and 12, Rakib teaches (fig. 2, 224) one of the media terminal adapters comprises a telephony device.

7. Regarding claims 3 and 13, Rakib teaches (fig. 2, 224) the telephony device is a telephone.

8. Regarding claims 4 and 14, Rakib teaches (fig. 2) the gateway is configured to exchange the voice and data packets between the network and the media terminal adapters by converting between a first format for the voice and data packets on the network and a second format for the voice and data packets on the telephone line, the first and second format being different.

9. Regarding claims 5, 15 and 17, Rakib teaches (fig. 2) one of the media terminal adapters comprises a telephone responsive to the voice packets having the second format.

10. Regarding claims 6, 18 and 20, Rakib teaches (fig. 2) a voice processing engine configured to convert between the voice packets having the second format and an analog voice signal in the voiceband frequency. It is inherent in Rakib's system that a processing engine configured to convert between the voice packets having the second format and an analog voice

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signal in the voiceband frequency exists because one of the media terminal adapters is a telephone.

11. Regarding claim 7, Rakib teaches (fig. 2) a telephone, and wherein one of the media terminal adapters comprises an adapter configured to exchange the voice packets on the telephone line having the second format with analog voice in a voiceband frequency. It is inherent in Rakib's system that a processing engine configured to convert between the voice packets having the second format and an analog voice signal in the voiceband frequency exists because one of the media terminal adapters is a telephone.

12. Regarding claim 8, Rakib teaches (fig. 8, 986) the gateway comprises a cable modem

13. Regarding claim 9, Rakib teaches (fig. 8) the gateway comprises a first port (952) coupled to the telephone line (PSTN) and a second port, and an additional media terminal adapter coupled to the second port.

14. Regarding claim 10, Rakib teaches (fig. 8, 728) a voice and data processor configured to exchange the voice and data between the network and the additional media terminal adapter.

15. Regarding claim 11, Rakib teaches (fig. 8) a method of communication, comprising: exchanging the voice and data packets between a network and a plurality of media terminal adapters coupled to the telephone line.

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16. Regarding claim 16, Rakib teaches (fig. 2) exchanging a second plurality of voice and data packets between the network and an additional media terminal adapter.

17. Regarding claim 17, Rakib teaches (fig. 2) a communication system comprising: means for receiving a packet payload from a first network; means for determining if the voice is destined for the telephone or the network, if the voice packet is destined for the telephone, the gateway means for depacketizing the packet and transmits it to the telephone, if the packet is destined for the network the gateway means for reformatting the packet and transmits the packet to the network (col 55, lines 4 – col. 56, lines 28).

### ***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Shand  
Examiner  
Art Unit 2665



STEVEN NGUYEN  
PRIMARY EXAMINER